

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**CR. NO. 19-CR-1991 JB**

**ANTONIO CARRILLO,**

**Defendant.**

**MOTION TO AMEND CONDCTIONS OF RELEASE**

Defendant Antonio Carrillo, by and through counsel, hereby moves this Court to modify the conditions of release. Specifically, Defendant states as follows:

1. Defendant is a lifelong resident of New Mexico and does not pose a flight risk.
2. Defendant is sixty-two years old and has not criminal history and is not a danger to the community.
3. Defendant is disabled and receives a Social Security disability pension. He suffers from a variety of ailments, including high blood pressure, PTSD, and anxiety.
4. He is currently facing a single count indictment alleging that he transmitted a threat by way of a social media account, in violation of 18 U.S.C. § 875(c). Defendant disputes the contention that the social media post at issue rises to the level of a violation of 18 U.S.C. § 875(c), and Defendant is presumed innocent of said charge. Also, there is no evidence in the discovery provided to defense counsel that Defendant ever engaged in any overt act or intent to carry out any alleged threat made on his social media account. In addition, regarding the nature of the offense, it should be noted that even if Defendant were convicted of the pending indictment, the applicable sentencing

guideline establishes a relatively minimal Zone C sentence of 10 to 16 months. *See* USSC § 2A6.1.

5. Defendant was arrested on June 21, 2019. On June 27, 2019, he was released to the custody of the La Pasada Halfway House, and additional conditions that require that he take his prescribed medication and not access or use his social media accounts.


6. Defendant has complied with all conditions of release but contends that he can continue said compliance at his family home in Los Lunas, New Mexico where he resides with his wife.

7. AUSA Jason Wisecup opposes this motion.

Wherefore, based on the foregoing, Defendant Antonio Carrillo respectfully requests that his conditions of release be modified as requested.

Respectfully Submitted,

By:

  
\_\_\_\_\_  
Joe M. Romero, Jr.

**ROMERO & WINDER, PC**

Attorney for Defendant

1905 Lomas Blvd. NW

Albuquerque, NM 87104

(505) 843-9776

Email: [joe@romeroandwinder.com](mailto:joe@romeroandwinder.com)

I hereby certify that a true and correct copy of the foregoing pleading was faxed and emailed to opposing counsel this 16<sup>th</sup> day of July, 2019.

  
\_\_\_\_\_  
JOE M. ROMERO, JR.